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Ervin Against Lie Detector Tests For U.S. Employees

By ALBERT SEHLSTEDT, JR. ✓
(Washington Bureau of The Sun)

Washington, Sept. 16 — Congress may have set back the mystery writing business 30 years last week in a debate marked by sharp denunciations of a detective story standby, the lie detector.

The lie detector, or polygraph, was the object of the gentle and sometimes humorous wrath of Senator Ervin (D., N.C.), a former circuit judge, the Senate's expert on constitutional law, and, last Wednesday, the advocate of a "bill of rights" for Federal employees.

Made A Study

Ervin, deploring use of the lie detector on Federal employees, said at one point during the debate that "it is my belief that a man who will believe in the polygraph will believe in witchcraft."

Recalling his days on the bench, Ervin said he had made a study of the lie detector when he was presiding at a homicide case in which the admission of polygraph evidence was a question.

"At that time," Ervin told his

colleagues, "I made a serious study of the polygraph and I have continued the study ever since. I have found that the polygraph test merely measures physical reactions such as respiration, temperature, blood pressure, pulse rate and heart beat.

"I found that the polygraph test is not admissible in any court in the United States, because of its unreliability."

Ervin, who has a down-on-the-farm demeanor and a face that always seems on the verge of a smile, contended that a "brazen liar" could pass a lie detector test, while a person who would become easily agitated might fail.

The North Carolinian noted incidentally that two defectors of 1960 and former employees of the National Security Agency, Bernon F. Mitchell and William H. Martin, had both passed lie detector tests.

However, as the debate wore on in the Senate, some good things about lie detectors were heard.

Keeping Some Out

Senator Jackson (D., Wash.), who serves on a subcommittee which keeps an eye on the Central Intelligence Agency, said the polygraph had been instrumental in keeping some people out of the CIA, who should not have been in it.

"Last year over 100 security risks were stopped by the polygraph tests," Jackson said. "All other means of security inquiry, all other means of testing failed."

"The polygraph does not necessarily establish truth or untruth. I have real questions about the polygraph as a general proposition, but it can be a valuable aid in providing investigative leads."

Make It Unlawful

The aim of Ervin's bill is to make it unlawful for any department or agency of the Government to require any civilian employee or job applicant to take a lie detector test designed to obtain information about certain personal matters, such as his religious beliefs, family relationships or sex attitudes.

The bill, if passed by the House and signed into law, would not eliminate the use of polygraphs by the Government, but would restrict their use to limited areas.

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The Privacy of Our Spies

CIA Seeks Unlimited Power Over Its Staff

Washington—The Central Intelligence Agency's efforts to remain totally exempt from

"right to privacy" bill that has passed the Senate has focused attention on how much power an intelligence agency has over its staff.

A bill sponsored by Sen. Sam J. Ervin (D-NC), chairman of the subcommittee on

Constitutional Rights, would protect Federal employees from the wholesale use of lie detectors and any other unwarranted governmental invasions of privacy. But when it comes to the CIA, the question arises how can a bill of rights for federal employees be reconciled with the necessities of national security?

A paragraph in the Ervin bill already gives CIA directors and the National Security Agency—its counterpart in the Defense Department—authority to use polygraph tests in individual cases or to question applicants regarding their financial assets. But the CIA sought a secret hearing before the Judiciary Committee to support its wish to be totally exempt from the provisions of the bill. This would bar applicants and employees from recourse to appeals procedures whenever they thought their constitutional procedures were being violated.

Sensitive Jobs

Obviously, the character and vulnerabilities of CIA applicants are of utmost concern to the agency. Employees have access to sensitive material on which the survival of the nation depends. We know that there is a constant effort to seduce or blackmail employees by foreign powers.



Miss Roosevelt

By EDITH KERMIT ROOSEVELT

Thus, questions concerning drinking habits or sexual deviations are certainly relevant. Obviously, an intelligence agency, exactly as a police department, requires contacts inside undesirable and opposing groups. But such individuals need not be direct employees. A system exists just for this situation. Staff members known as "cut-outs," whose connections are not known on the outside, make the necessary personal contacts, using any cover story that fits. There is no need to put such undesirables inside the organization.

What disturbs Sen. Ervin is that the agency is asking applicants questions which are only remotely related to its security mission. Secretaries are quizzed regarding their love for their mothers or their belief in God. They are even asked about their bathroom habits and the subject matter of their dreams.

Power Unlimited

Apparently, any free-wheeling psychiatrist has unlimited power to satisfy his own version of what must be told by a young girl or a newlywed. Young male applicants on college campuses are being cross-examined on the most delicate of personal sex matters.

According to Sen. Ervin, we are losing the talents of many qualified people who would

otherwise choose to serve their government because applicants consider such questions degrading. Ervin, who incidentally is friendly to CIA, said in a recent speech, "The idea that any government agency is entitled to the 'whole man' and knowledge and control of all the details of his personal and community life unrelated to his employment or to law enforcement is more appropriate for totalitarian countries than for a society of freedom."

Sen. Hruska's View

This sort of concern also is being voiced by legislators such as Sen. Roman Hruska (R-Neb), who like Ervin is friendly to CIA and who opposed efforts to set up a so-called watchdog committee to further supervise it. Sen. Hruska, a member of the subcommittee on Constitutional Rights, declared:

"I have great faith in them (the CIA) and I have great faith in their ability to accomplish their mission. But at the same time, they cannot be permitted to use methods that will trample upon the constitutional rights of their employees or applicants for employment. The record shows they have used such employment practices."

Political Aspects

In raising the question as to why the CIA wants to be exempt from all the provisions of the right to privacy bill, Sen. Ervin voiced concern over the possibility of domestic activities by the CIA. Ervin said: "Do they have occasion to require their employees to go out and work for the nomination or election of candidates for public office? Must they order them to attend meetings and fund-raising dinners for political parties in the United States?"

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The question of how much a security agency can control its employees by denying them appeals procedures is entangled with the whole issue of how far the same agency can secretly and illegally engage in domestic political operations. Actually, in the never never world of the secret agent, no set of regulations can be a complete safeguard. There can be no substitute here for a personnel from the top down which has developed a tradition of service in safeguarding their country, and not in playing politics.

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